

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON BUSINESS AND LABOR

Call to Order: By **CHAIRMAN JOE MCKENNEY**, on February 15, 2001 at 7:00 P.M., in Room 102 Capitol.

ROLL CALL

Members Present:

Rep. Joe McKenney, Chairman (R)
Rep. Rod Bitney, Vice Chairman (R)
Rep. Gary Matthews, Vice Chairman (D)
Rep. Sylvia Bookout-Reinicke (R)
Rep. Roy Brown (R)
Rep. Nancy Fritz (D)
Rep. Dave Gallik (D)
Rep. Kathleen Galvin-Halcro (D)
Rep. Dennis Himmelberger (R)
Rep. Carol C. Juneau (D)
Rep. Jim Keane (D)
Rep. Rick Laible (R)
Rep. Bob Lawson (R)
Rep. John Musgrove (D)
Rep. William Price (R)
Rep. Allen Rome (R)
Rep. Donald Steinbeisser (R)
Rep. Brett Tramelli (D)
Rep. James Whitaker (R)

Members Excused: None.

Members Absent: None.

Staff Present: Gordon Higgins, Legislative Branch
Jane Nofsinger, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted:
Executive Action: HB559, HB514, HB517, HB530,
HB519, HB537, HB394, HB422

EXECUTIVE ACTION ON HB422

Motion: REP. BITNEY moved that HB422 DO PASS.

Discussion:

Substitute Motion: REP. BITNEY made a substitute motion that HB422 BE TABLED.

Vote: Motion carried unanimously.

EXECUTIVE ACTION ON HB537

Motion: REP. PRICE moved that HB537 DO PASS.

Discussion:

Motion/Vote: REP. PRICE moved that HB537 BE AMENDED. Motion carried unanimously.

Motion/Vote: REP. PRICE moved that HB537 DO PASS AS AMENDED. Motion carried unanimously.

EXECUTIVE ACTION ON HB519

Motion: REP. GALVIN-HALCRO moved that HB519 DO PASS.

Discussion:

Motion: REP. GALVIN-HALCRO moved that HB519 BE AMENDED.

Discussion:

Mr. Higgins noted the amendments were offered by the Department of Justice.

Vote: Motion HB519 carried unanimously.

Motion/Vote: REP. GALVIN-HALCRO moved that HB519 DO PASS AS AMENDED. Motion carried 18-1 with Gallik voting no.

EXECUTIVE ACTION ON HB394

Motion: REP. GALLIK moved that HB394 DO PASS.

Discussion:

Motion: REP. MATTHEWS moved that HB394 BE AMENDED.

Discussion:

REP. MATTHEWS offered an amendment to exclude counties with less than 14,000 population. He said this would include his county, Custer County, and half of Montana. He said he would not vote for the bill if his amendment did not pass.

CHAIRMAN MCKENNEY offered a substitute amendment to exclude counties with less than 140,000 population from the bill.

Discussion:

REP. BITNEY said, in theory, he supported REP. MATTHEWS' amendment and he would also be covered under CHAIRMAN MCKENNEY's.

REP. JUNEAU asked the committee "to go ahead and brave a vote, rather than ridicule the bill."

Motion/Vote: REP. MCKENNEY moved that HB394 be amended. The motion failed 8-11 with Bitney, Brown, Himmelberger, Laible, McKenney, Rome, Steinbeisser, and Whitaker voting aye.

Motion/Vote: REP. MATTHEWS moved that HB394 BE AMENDED. Motion carried 14-5 with Lawson, McKenney, Rome, Steinbeisser, and Whitaker voting no.

Discussion:

Motion/Vote: REP. PRICE moved that HB394 BE AMENDED. Motion carried 13-6 with Bookout-Reinicke, Himmelberger, Lawson, McKenney, Rome, and Steinbeisser voting no.

Motion: REP. PRICE moved that HB394 DO PASS AS AMENDED.

Discussion:

REP. BROWN said "if you want to send a message that Montana is not open for business, this bill is it." He continued that this was a bill Montana does not need.

REP. LAIBLE said every commission and county which has grants already has a review system in place. He said this bill would be an additional layer of red tape which would kill economic development.

REP. HIMMELBERGER said he agreed with **REP. LAIBLE** that accountability was already in place. He called the bill "Anti-business with a Capital A." He also questioned the directive of the bill which said the business must meet a public service as well as a business service.

REP. BITNEY said wage and job goals are not government functions. He noted the bill called for payback of loans with interest upon failure to meet goals. He asked the question, "what if government had to pay back to the taxpayers, every time it failed to meet its goals."

Vote: Motion to pass **HB394** as amended **failed 9-10 with Fritz, Gallik, Galvin-Halcro, Juneau, Keane, Lawson, Matthews, Musgrove, and Tramelli voting aye.**

Motion/Vote: **REP. BITNEY** moved that **HB394 BE TABLED**. Motion carried 10-9 with **Fritz, Gallik, Galvin-Halcro, Juneau, Keane, Lawson, Matthews, Musgrove, and Tramelli voting no.**

EXECUTIVE ACTION ON HB530

Motion: **REP. BITNEY** moved that **HB530 DO PASS**.

Discussion:

Motion/Vote: **REP. LAIBLE** moved **HB530**. Motion carried 14-5 with **Gallik, Galvin-Halcro, Juneau, Keane, and Lawson voting no.**

Motion: **REP. LAIBLE** moved that **HB530 DO PASS AS AMENDED**.

Discussion:

REP. LAIBLE said there have been many changes in the Human Rights Commission. He noted there had been a 708 case backlog prior to the changes and they had dropped to 215 by July 2000. He said prior to the legislation the cases had averaged 488 days processing time, and this had dropped to 132 days. He also said

if there was some bias of the hearing officer this would give another venue.

REP. BROWN asked if it was so much better now, why was this bill needed.

REP. GALVIN-HALCRO questioned the fiscal impact and said since the situation had improved greatly, why not let it continue and not interfere.

REP. GALLIK said this bill seems like it would take more time and questioned why it was needed.

REP. FRITZ noted the claimants would be paying more costs going to court. She said if they need another hearings officer, then they should get one. She concluded saying she was against the bill.

REP. LAIBLE said he was for the bill. He noted it gives both parties the right to change if they don't like the hearings officer.

REP. BOOKOUT-REINICKE said she had written "No" on the top of the bill.

Vote: Motion that **HB530 DO PASS AS AMENDED** failed 4-15 with Bitney, Himmelberger, Laible, and McKenney voting aye.

Motion/Vote: **REP. KEANE** moved that **HB530 BE TABLED**. Motion carried 15-4 with Bitney, Himmelberger, Laible, and McKenney voting no.

{Tape : 2; Side : B; Approx.} ON HB559 Time Counter : 0

EXECUTIVE ACTION ON HB559

Motion: **REP. LAWSON** moved **HB559**.

Discussion:

Motion: **REP. LAWSON** moved that **HB559 BE AMENDED**.

Discussion:

Mr. Higgins said the amendments were an effort to put the bill as **REP. NOENNIG** wanted it, and included some editing and clarification.

Vote: Motion **HB559 NOENNIG AMENDMENT** carried 18-1. **Gallik NO.**

Motion: **REP. LAWSON** moved that **HB559 DO PASS AS AMENDED.**

Discussion:

REP. FRITZ stated that everything the people from her district said at the hearing today was true. She said they had to haul water to their yards.

REP. MATTHEWS said he was glad this bill had been brought to this committee's attention.

REP. WHITAKER said it is a good law which clears up confusion.

REP. MUSGROVE said he would like some assurances that the bill was fair to both parties, both landlord and tenant.

REP. LAIBLE said a tenant can be in arrears and pay up in full, and not have to "move down the road." He remarked that packing up a trailer and moving, is different from moving out of an apartment.

REP. GALLIK said he thought it was easier for the landlord's lawyer to defend than the tenant's. He said he liked the concept but thought it needed more balance.

REP. JUNEAU said she was against the bill because she felt the sponsor had not worked with the tenants to draft it.

REP. MATTHEWS said he would like to offer an amendment which would strike out "attorney fees."

REP. HIMMELBERGER said the attorney fees were a balance and the tenant is still able to bring up the back rents and be able to stay. He said landlords have expenses in enforcing lease.

REP. KEANE said he was going to vote against the bill even though he was a landlord, but if the attorney fees provision was taken out and the amendment passed, he would be for the bill.

REP. GALLIK said the amendment helps but most of the time there will be a lease, and then the landlords can put into it what they want to.

REP. LAIBLE explained he liked leaving in attorney fees because the landlord has to continue to fund the legal costs.

REP. PRICE said he would leave in "costs" if not "attorney fees."

REP. BROWN said if we do this we will stretch out time and there will be no incentive to pay sooner without the amendment.

Vote: Motion **HB559 AMENDMENT** failed 8-11 with **Fritz, Gallik, Galvin-Halcro, Juneau, Keane, Matthews, Musgrove, and Tramelli** voting aye.

EXECUTIVE ACTION ON HB559

Vote: Motion that **HB559 DO PASS AS AMENDED** carried 12-7 with **Fritz, Gallik, Galvin-Halcro, Juneau, Keane, Musgrove, and Tramelli** voting no.

EXECUTIVE ACTION ON HB514

Motion: **REP. LAWSON** moved that **HB514 DO PASS**.

Discussion:

Motion: **REP. BOOKOUT-REINICKE** moved that **HB514 BE AMENDED**.

Discussion:

Mr. Higgins said the amendment was requested by Jent to mirror Tennessee legislation. He said it broadens the definition of calls which are not tele-marketers.

REP. GALLIK said there was similar language on the "Trudie Schmidt bill" saying local exchange telephone companies should fully cooperate.

Vote: Motion **HB514 BOOKOUT-REINICKE AMENDMENT** carried 18-1 with **Gallik** voting no.

Motion: **REP. BOOKOUT-REINICKE** moved that **HB514 DO PASS AS AMENDED**.

Discussion:

Mr. Higgins said a second set of amendments had been requested by the Department of Commerce. He said the amendment established an immediate effective date so the list can be established, and the rest will go into effect on October 1. It also would establish the fee by rule-making.

REP. BOOKOUT-REINICKE said she agreed with the amendments and moved them.

Vote: Motion **HB514 BOOKOUT-REINICKE AMENDMENTS #2** carried 10-9 with Bookout-Reinicke, Brown, Galvin-Halcro, Himmelberger, Keane, Lawson, Rome, Steinbeisser, and Whitaker voting no.

Motion: **REP. BOOKOUT-REINICKE** moved that **HB514 DO PASS AS AMENDED**.

Discussion:

REP. BITNEY said the intention of the amendments is good, as a practical matter of enforcement, out-of-state violators could not be prosecuted. He called the bill a "feel-good bill which does nothing."

REP. GALLIK said, "When they call into the state we have jurisdiction over them, so we can prosecute them if we want to."

REP. WHITAKER said he could not support it because it was just one more regulation. He said, "just hang up the phone."

Vote: Motion **HB514** failed 9-10 with Bookout-Reinicke, Fritz, Gallik, Galvin-Halcro, Juneau, Keane, Musgrove, Price, and Tramelli voting aye.

Motion/Vote: **REP. BOOKOUT-REINICKE** moved that **HB514 BE TABLED**. Motion carried 10-9 with Bookout-Reinicke, Fritz, Gallik, Galvin-Halcro, Juneau, Keane, Musgrove, Price, and Tramelli voting no.

EXECUTIVE ACTION ON HB517

Motion: **REP. LAWSON** moved **HB517**.

Discussion:

Motion: **REP. LAWSON** moved that **HB517 BE AMENDED**.

Vote: Motion carried unanimously.

Motion: REP. LAWSON moved that HB517 DO PASS AS AMENDED.

Discussion:

Motion: REP. MUSGROVE moved that HB517 BE AMENDED.

Discussion:

REP. BOOKOUT-REINICKE said she did not want to amend the bill.

REP. GALVIN-HALCRO asked if REP. MANGAN knew about the amendment.

REP. MUSGROVE said he mentioned it makes it sound more like a resolution.

Vote: Motion carried 15-4 with Bookout-Reinicke, Galvin-Halcro and Whitaker voting no.

Motion/Vote: REP. LAWSON moved that HB517 DO PASS AS AMENDED.
Motion carried 18-1 with Whitaker voting no.

ADJOURNMENT

Adjournment: 9:00 P.M.

REP. JOE MCKENNEY, Chairman

JANE NOFSINGER, Secretary

JM/JN

EXHIBIT (buh38aad)